

# HOUSE BILL No. 1128

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-84; IC 16-19-14.

**Synopsis:** Advisory council on pain and symptom management. Creates the advisory council on pain and symptom management. Requires the state department of health to pay the council's expenses and provide staff support to the council. Requires the council to hold public hearings, recommend policies for pain and symptom management, develop recommendations for licensing boards, study and review information on pain and symptom management, and provide an annual report.

**Effective:** July 1, 2004.

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**Welch, Brown C, Becker, Behning**

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January 13, 2004, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1128

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-84 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 84. "Council" refers to  
3 the following:

4 (1) **For purpose of IC 16-19-14, the advisory council on pain**  
5 **and symptom management.**

6 (2) For purposes of IC 16-21, the hospital council.

7 ~~(2)~~ (3) For purposes of IC 16-28 and IC 16-29, the Indiana health  
8 facilities council.

9 ~~(3)~~ (4) For purposes of IC 16-46-6, the interagency state council  
10 on black and minority health.

11 SECTION 2. IC 16-19-14 IS ADDED TO THE INDIANA CODE  
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2004]:

14 **Chapter 14. Advisory Council on Pain and Symptom**  
15 **Management**

16 **Sec. 1. The advisory council on pain and symptom management**  
17 **is established.**

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1       **Sec. 2. (a) The council consists of twenty (20) members as**  
 2       **follows:**

3       **(1) The commissioner of the state department of health or the**  
 4       **commissioner's designee.**

5       **(2) The attorney general or the attorney general's designee.**

6       **(3) The executive director of the health professions bureau or**  
 7       **the executive director's designee.**

8       **(4) Two (2) members of the senate who are members of**  
 9       **different political parties appointed by the president pro**  
 10       **tempore of the senate.**

11       **(5) Two (2) members of the house of representatives who are**  
 12       **members of different political parties appointed by the**  
 13       **speaker of the house of representatives.**

14       **(6) Two (2) physicians appointed by the medical licensing**  
 15       **board of Indiana, who must meet the following descriptions:**

16           **(A) One (1) physician specializing in primary care.**

17           **(B) One (1) physician who is:**

18               **(i) certified or accredited in pain management or**  
 19               **palliative care; or**

20               **(ii) a medical director of a hospice program.**

21       **(7) Two (2) registered nurses appointed by the Indiana state**  
 22       **board of nursing, who must:**

23           **(A) have expertise in home health care, hospice care,**  
 24           **oncology, long term care, anesthesia, or pain management;**  
 25           **or**

26           **(B) be certified by the National Board for Certification of**  
 27           **Hospice and Palliative Nurses.**

28       **(8) One (1) dentist appointed by the state board of dentistry,**  
 29       **who must be:**

30           **(A) trained in pain and symptom management; and**

31           **(B) associated with the education and training of dental**  
 32           **students.**

33       **(9) One (1) pharmacist appointed by the Indiana board of**  
 34       **pharmacy, who must be:**

35           **(A) trained in pain and symptom management; and**

36           **(B) associated with the education and training of pharmacy**  
 37           **students.**

38       **(10) One (1) advanced practice nurse appointed by the**  
 39       **Indiana state board of nursing, who must be trained in pain**  
 40       **and symptom management.**

41       **(11) One (1) individual specializing in addiction.**

42       **(12) One (1) mental health service provider.**

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(13) Two (2) representatives of voluntary health organizations or advocacy groups with interests in pain management.

(14) One (1) representative of the general public.

(15) One (1) individual diagnosed with chronic pain.

(b) The members of the council designated by subsection (a)(11) through (a)(15) shall be appointed by the governor.

Sec. 3. (a) Except for the members of the council designated by section 2(a)(1) through 2(a)(3) of this chapter, appointments to the council are for five (5) years. If a vacancy occurs, the individual appointed to fill the vacancy under subsection (b) serves for the remainder of the unexpired term.

(b) If a vacancy exists on the council, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. However, the individual appointed to fill the vacancy must meet the same qualifications under section 2(a) of this chapter as the former member whose position has become vacant.

Sec. 4. (a) The department shall pay the expenses of the council.

(b) The state department shall provide staff support to the council.

Sec. 5. (a) A member of the council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).

(b) A member of the council is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the council who is a member of the general assembly is entitled to receive the same mileage and travel allowances paid to legislative members of interim study committees established by the legislative council. Mileage and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 6. (a) The commissioner of the state department of health or the commissioner's designee is the chair of the council.

(b) The council shall meet at least once every ninety (90) days.

(c) Special meetings of the council may be called by the chair.

Sec. 7. (a) Nine (9) members of the council constitute a quorum for the transaction of all business of the council.

(b) Each member of the council who is a member of the general

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assembly is a nonvoting member.

(c) The council shall establish procedures to govern the council's deliberations.

**Sec. 8. The council shall do the following:**

(1) Gather information from the public on issues concerning pain and symptom management by holding public hearings.

(2) Provide advice concerning and recommend policies on pain and symptom management, including the following:

(A) Acute and chronic pain management treatment practices.

(B) Statutes and regulations concerning pain management.

(C) Sanctioning and use of alternative therapies concerning pain and symptom management.

(D) Acute and chronic pain management education provided by professional boards, agencies, and other organizations.

(E) Acute and chronic pain management needs for adults, children, racial and ethnic minorities, and medically underserved groups.

(3) Develop recommendations to the state licensing and certification boards on the following:

(A) Integrating pain and symptom management into the customary practice of health care professionals.

(B) Identifying the roles and responsibilities of the various health care professionals in pain and symptom management.

(4) Develop recommendations to the state licensing and certification boards on the duration and content of continuing education requirements for pain and symptom management.

(5) Study and develop recommendations on improving access to pain and symptom management for racial and ethnic minorities and medically underserved groups, including the elderly.

(6) Develop recommendations on improving access to pain and symptom management for children and adolescents.

(7) Annually review current policies and changes in pain and symptom management.

(8) Act as an advisory body for the state department.

**Sec. 9. (a) The council shall provide an annual report on the activities and recommendations of the council to:**

(1) the governor;

(2) the executive director of the legislative services agency in

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1           an electronic format under IC 5-14-6; and

2           (3) the director;

3           by February 1 of every year.

4           (b) An annual report provided under subsection (a) may relate  
5           to:

6           (1) issues and recommendations developed by the council  
7           under section 8 of this chapter;

8           (2) pain management educational curriculum and continuing  
9           education requirements of institutions providing health care  
10          education;

11          (3) information about the impact and effectiveness of  
12          previously implemented recommendations; and

13          (4) current policies and changes concerning pain and  
14          symptom management.

15          (c) In making recommendations and developing written  
16          materials, the council shall:

17          (1) review guidelines on pain and symptom management  
18          issued by the United States Department of Health and Human  
19          Services; and

20          (2) consult with the state department.

21          (d) The council may consult with additional persons and  
22          organizations, including:

23          (1) academic institutions;

24          (2) voluntary health organizations;

25          (3) advocates;

26          (4) consumers;

27          (5) professional organizations;

28          (6) law enforcement; and

29          (7) other appropriate entities.

30          Sec. 10. The state department may, on behalf of the council,  
31          accept:

32          (1) federal funds;

33          (2) gifts;

34          (3) donations; and

35          (4) other available funds;

36          from individuals, private organizations, and foundations.

37          Sec. 11. This chapter expires July 1, 2009.

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